

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MICHAEL PARKS, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:23-cv-93  
 )  
 BUNN CORRECTIONAL, )  
 )  
 Defendant. )

## **ORDER**

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This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on February 2, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b).

(Doc. 2.) The Recommendation was served on the Plaintiff on February 2, 2023. (Doc. 3.) Plaintiff filed a letter which the court construes as an objection to the Recommendation, and a request for the appointment of counsel. (Doc. 4.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions."

This court has appropriately reviewed the Recommendation

and Plaintiff's letter and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. In light of this order adopting the Recommendation and dismissing this action without prejudice, Plaintiff's request for the appointment of counsel is denied as moot.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action be filed, and is hereby, **DISMISSED** without prejudice to Plaintiff filing a new action on the proper forms and in the correct district.

**IT IS FURTHER ORDERED** that Plaintiff's request for the appointment of counsel is **DENIED**.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 3rd day of July, 2023.

William L. Osten, Jr.  
United States District Judge